

AFFIDAVIT

A *Partial Termination of Agreement Creating Private Alley* (Agreement), dated August 20, 2015, by and between the United States of America, acting by and thru the Forest Service, Department of Agriculture, Grantor, and Nu Skin International, Inc., a Utah corporation, Grantee, and recorded August 25, 2015, as Entry No. 77521:2015, Utah County Records, is hereby being re-recorded due to pages 5 and 6 of the original Agreement being inadvertently recorded with another document, thus creating a different Entry Number on said pages. By signing this Affidavit, we agree with the re-recording of said Agreement, attached hereto and made a part hereof, this 2nd day of September 2015.

NU SKIN INTERNATIONAL, INC.,
a Utah corporation

BY: *D. Matthew Dorny*
D. MATTHEW DORNY
Vice-President

UNITED STATES OF AMERICA

BY: *Kathryn J. Conant*
KATHRYN J. CONANT
Intermountain Region
USDA Forest Service

ACKNOWLEDGMENTS

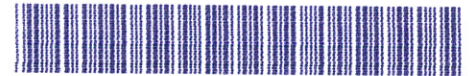
STATE OF UTAH }
COUNTY OF WEBER } ss

On this 2nd day of September, 2015, before me, Lori Blickfeldt, a Notary Public in and for Weber County, State of Utah, personally appeared **KATHRYN J. CONANT, Director of Lands, Intermountain Region, Forest Service, U.S. Department of Agriculture**, the signer of the within instrument, who acknowledged to me that she executed the foregoing instrument, by duly delegated authority.



Lori Blickfeldt
Notary Public for the State of Utah
Residing in Perry, UT
My Commission Expires 11/30/2015

STATE OF UTAH }
COUNTY OF WEBER } ss



On this 2nd day of September 2015, before me *Cherry Muhlestein*, a Notary Public in and for said State, personally appeared **D. MATTHEW DORNY**, known to me to be the **Vice-President** of **NU SKIN INTERNATIONAL, INC., a Utah corporation**, that executed the same instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Cherry Muhlestein
Notary Public for the State of Utah
Residing in 1024 E 5600 N Orem UT 84047
My Commission Expires 8/10/2018

AFTER RECORDING MAIL TO:

D. Matthew Dorny, Esq.
General Counsel
75 West Center Street
Provo, UT 84601

ENT 77521:2015 PG 1 of 6
JEFFERY SMITH
UTAH COUNTY RECORDER
2015 Aug 23 10:51 am FEE 20.00 BY CLS
RECORDED FOR USDA FOREST SERVICE

Nu Skin International, Inc.

ENT 80883:2015 PG 2 of 7

**PARTIAL TERMINATION
OF
AGREEMENT CREATING PRIVATE ALLEY**

This **PARTIAL TERMINATION OF AGREEMENT CREATING PRIVATE ALLEY** is dated this 20 day of August, 2015, by and between the **UNITED STATES OF AMERICA**, acting by and through the **Forest Service, Department of Agriculture**, whose address is Washington, DC 20013, hereinafter "United States;" and **NU SKIN INTERNATIONAL, INC., a Utah corporation**, whose address is 75 West Center Street, Provo, UT 84601, hereinafter "Nu Skin."

WITNESSETH:

WHEREAS, the United States holds an interest in a private alley (the "Alley") pursuant to the *Agreement Creating Private Alley* (the "Agreement"), dated November 10, 1911, recorded December 7, 1911, as Entry No. 4867 in the Official Records of the Utah County Recorder's Office, Utah, which Alley is located in the City of Provo, Utah County, State of Utah, and is described in said *Agreement* to-wit:

"Said alley is described as follows: Beginning at a point 99 feet West of the North East corner of Block 46, Plat "A", Provo City Survey of Building Lots; in Utah County, Utah, running thence West 12 feet; thence South 269.32 feet; thence East 111 feet; thence North 12 feet; thence West 87 feet; thence northwesterly to a point 245.32 feet South of the Point of Beginning, thence North 245.32 feet to the point of beginning."

Said Alley is also described as follows:

Salt Lake Meridian

T. 7 S., R. 2 E.,

Sec. 1, a portion within the SE1/4;

Sec. 12, a portion within the NE1/4, more particularly described as follows:

A portion of said property described in that certain Deed, Entry No. 4867:1911, located in Block 46, Plat "A," Provo City Survey, in said SE1/4 of Section 1, and the NE1/4 of said Section 12, to-wit:

Beginning at a point located N. 89°39'00" W., 99.95 feet, more or less, from the northeast corner of said Block 46, Plat "A", Provo City Survey, said point also being located N. 89°39'00" W., along the centerline of 100 South Street 141.17 feet and S. 0°21'00" W., 41.25 feet, more or less, from the street monument at the intersection of 100 West and 100 South Streets (Basis of Bearing: N. 0°18'34" E., along the centerline of 100 West Street from the street monument at the intersection of 100 West and 100 South Streets to the street monument at the intersection of 100 West and Center Streets); thence S. 0°19'00" W., 197.98 feet, more or less; thence N. 89°39'28" W., 12.00 feet, more or less; thence N. 0°19'00" E., 197.98 feet, more or less, to the north line of said Block 46; thence S. 89°39'00" E., along said north line 12.00 feet, more or less, to the Point of Beginning.

Containing 0.15 acre, more or less.

Above-described easement is depicted further on Exhibit A, attached hereto and made a part hereof.

WHEREAS, said *Agreement* included the following language:

" . . . it is agreed between the parties hereto that the strip of land hereinafter described shall be hereafter used as a private alley, and each of the parties hereto shall have the right to use said alley in common with the others, and their grantees . . . to and from the lands abutting thereon, until such time as the parties in interest shall mutually agree to discontinue such use." (Emphasis added.)

WHEREAS, Nu Skin has requested that the United States abandon its rights in a portion of the Alley (the "**Abandoned Portion**"), and receive in substitution for the Abandoned Portion another right-of-way described on Exhibit A as the "**24' Access Easement to be Granted**" and the United States has agreed to do so, as the United States has determined that it has no further need for the Abandoned Portion of said Easement. The Abandoned Portion is also described on Exhibit A, entitled "**12-foot Right-of-Way to be Abandoned**", and is further described to-wit:

Salt Lake Meridian

T. 7 S., R. 2 E.,

Sec. 1, a portion within the SE1/4;

Sec. 12, a portion within the NE1/4, more particularly described as follows:

Beginning at a point located N. 89°39'00" W., 99.95 feet, more or less, from the northeast corner of Block 46, Plat "A", Provo City Survey, said point also being located N. 89°39'00" W., along the centerline of 100 South Street 141.17 feet and S. 0°21'00" W., 41.25 feet, more or less, from the Street Monument at the intersection of 100 West and 100 South Streets (Basis of Bearing: N. 0°18'34" E., along the centerline of 100 West Street from the Street Monument at the

intersection of 100 West and 100 South Streets to the Street Monument at the intersection of 100 West and Center Streets); thence S. 0°19'00" W., 156.91 feet; thence N. 89°39'24" W., 12.00 feet; thence N. 0°19'00" E., 156.91 feet to the north line of said Block 46; thence S. 89°39'00" E., along said north line 12.00 feet to the Point of Beginning.

Containing 1,883 square feet, or 0.04 acre, more or less.

NOW THEREFORE, for and in consideration of the premises and the sum of **ONE DOLLAR (\$1.00)**, the receipt of which is hereby acknowledged, the United States hereby conveys to Nu Skin all right, title and interest of the United States in and to the Relinquished Portion, with the result that the United States shall no longer have any right, title, or interest in or to the Relinquished Portion. The United States **does not convey** and **will retain** all of its existing right, title, and interest in the portion of the Alley depicted on Exhibit A as the **"Existing 12' Right-of-Way To Remain."**

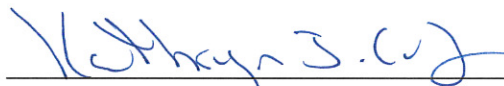
NOW THEREFORE, this instrument is executed by the United States for the purpose of terminating any right, title, or interest in and to the reservation for rights-of-way, as described above, unto Nu Skin, its heirs, successors, and assigns.

EXCEPT AS AMENDED by this *Partial Termination of Agreement Creating Private Alley*, the said Agreement of November 10, 1911, remains unchanged and in full force and effect according to its original terms and conditions as it affects the County of Utah, State of Utah.

IN WITNESS WHEREOF, the United States of America, USDA Forest Service, by its duly authorized representative, has executed this *Partial Termination of Agreement Creating Private Alley*, pursuant to the delegation of authority promulgated in Title 7 CFR 2.60 and 49 FR 34283, dated August 29, 1984, on the day and year first above written.

UNITED STATES OF AMERICA

By: _____



KATHRYN J. CONANT
Director of Lands & Minerals
Intermountain Region
USDA Forest Service

ACKNOWLEDGMENT

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STATE OF UTAH }
COUNTY OF WEBER } ss

On this 17th day of August, 2015, before me, Lori Blickfeldt, a Notary Public in and for Weber County, personally appeared **KATHRYN J. CONANT, Director of Lands & Minerals, Intermountain Region, Forest Service, U.S. Department of Agriculture**, the signer of the within instrument, who acknowledged to me that she executed the foregoing instrument, by duly delegated authority.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Lori Blickfeldt

Notary Public for the State of Utah
Residing in Perry, UT

My Commission Expires November 30, 2015

As witnessed by signature below, **NU SKIN INTERNATIONAL, INC., a Utah corporation**, concurs with this *Partial Termination of Agreement Creating Private Alley*, by its General Counsel, and dated below.

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**NU SKIN INTERNATIONAL, INC.,
a Utah corporation**

By: D. Matthew Dorny
D. MATTHEW DORNY
Vice President

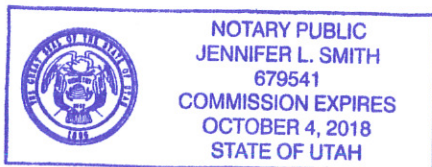
8/20/15
DATE

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF Utah } ss

On this 20th day of August, 2015, before me, Jennifer L. Smith, a Notary Public in and for said State, personally appeared **D. MATTHEW DORNY**, known to me to be the **Vice President** of **NU SKIN INTERNATIONAL, INC., a Utah corporation**, that executed the same instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year written above.



Jennifer L. Smith
Notary Public for the State of Utah
Residing at: Provo, UT
My Commission Expires: 10/4/2018

JB

